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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,809

12/30/2004

Igor Miskovic

9342-14

7327

20792

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11/29/2005

MYERS BIGEL SIBLEY & SAJOVEC

PO BOX 37428

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EXAMINER

PIGGUSH, AARON C

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,809

Applicant(s)

MISKOVIC ET AL.

Examiner

Aaron Piggush

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>30 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains the title of the invention.

The heading of the abstract should only read "Abstract" or "Abstract of the Invention".

Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Power Consumption Management During Operation of an Electronic Device.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mundt (US 5,903,254).

With respect to claim 1, Mundt discloses a battery-driven electronic device, comprising:

means for detecting power consumption that is configured to establish present power consumption during operation of the device (col 8 ln 9-20, Fig. 5A-D, and col 6 ln 56-61);

means for presenting data based on the established current power consumption (Fig. 5A-D and col 7 ln 25-31);

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means for calculating a level indicating parameter value representing the established current power consumption as a consumption level in a predetermined scale (col 8 ln 9-20 and Fig. 5A-D); and

wherein said presented data comprises an indication of said consumption level in said scale (col 7 ln 25-60).

With respect to claim 2, Mundt discloses the battery-driven device as recited in claim 1, wherein said presented data comprises said level indicating parameter value and a preset value of said scale (col 7 ln 25-60, Fig. 5A-D, and col 7 ln 1-25).

With respect to claim 3, Mundt discloses the battery-driven device as recited in claim 1, further comprising:

means for calculating remaining battery time based on the established current power consumption (col 6 ln 28-55 and Fig. 4).

With respect to claim 4, Mundt discloses the battery-driven device as recited in claim 3, wherein said presented data comprises an indication of the calculated remaining battery time based on a current mode of the device (col 6 ln 28-55, Fig. 4, and col 8 ln 9-20).

With respect to claim 5, Mundt discloses the battery-driven device as recited in claim 1, wherein said means for presenting data comprises a display (Fig. 4 and 5A-D and I in Fig. 1).

With respect to claim 7, Mundt discloses a computer program product for a battery-driven device comprising:

a computer readable storage medium having computer readable program code embodied therein (col 6 ln 65-67, col 8 ln 9-10, and col 2 ln 24-32), the computer readable program code comprising:

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computer readable program code configured to detect present power consumption during operation of the device (col 8 ln 9-20, Fig. 5A-D, and col 6 ln 56-61);

computer readable program code configured to calculate a level indicating parameter value representing the detected present power consumption as a consumption level in a predetermined scale (col 8 ln 9-20 and Fig. 5A-D); and

computer readable program code configured to present an indication of said consumption level in said scale (Fig. 5A-D, col 7 ln 25-60, and col 8 ln 9-10).

Additionally, regarding claims 7-12, the software recited by Mundt (col 8 ln 9-10) contains a means for carrying out the actions mentioned above, including the computer readable program code, because computer software consists of program code.

With respect to claim 8, Mundt discloses the computer program product as recited in claim 7, further comprising:

computer readable program code configured to present said level indicating parameter value and a predetermined end value of said scale (col 7 ln 25-60, Fig. 5A-D, and col 7 ln 1-25).

With respect to claim 9, Mundt discloses the computer program product as recited in claim 7, further comprising:

computer readable program code configured to calculate remaining battery time based on the detected present power consumption (col 6 ln 28-55 and Fig. 4).

With respect to claim 10, Mundt discloses the computer program product as recited in claim 9, further comprising:

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computer readable program code configured to present an indication of the calculated remaining battery time based on a current mode of the device (col 6 ln 28-55, Fig. 4, and col 8 ln 9-20).

With respect to claim 11, Mundt discloses the computer program product as recited in claim 7, wherein said computer readable program code configured to present comprises computer readable program code configured to present said indication of said consumption level in said scale on a display (col 8 ln 9-20, Fig. 4 and 5A-D, and I in Fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mundt (US 5,903,254).

With respect to claims 6 and 12, Mundt discloses the battery-driven device and computer program product as recited in claims 1 and 7, where said device is a battery powered notebook computer with a modem (col 6 ln 58-67).

Although Mundt does not expressly disclose wherein said device is a radio communication terminal, he does disclose the use of a modem with the notebook computer. At the time of the invention, one skilled in the art knew that a wireless modem could be applied to the device of Mundt, in order to remove the constrictions of wires and to allow a wider area of

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use for the computer. Furthermore, the applicant recites that radio communication devices include portable laptop computers (pg 5 ln 4-9).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a wireless modem in the device of Mundt, as was well known in the art, in order to allow a wider area of use for the device.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bowman (US 5,764,034) discloses a battery gauge for a battery operated infusion pump which provides an estimate of the amount of time left on the battery by monitoring the available voltage and the amount of current flowing from the battery. Burke (US 5,248,929) discloses a battery time monitor for a cellular telephone, which provides a display of the time remaining for use in different modes. Birkler (US 6,433,512) discloses an electronic device with power consumption reporting which displays remaining battery life.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Piggush whose telephone number is 571-272-5978. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP


KARL D. EASTHOM
PRIMARY EXAMINER